

Message Text

CONFIDENTIAL

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ACTION AF-10

INFO OCT-01 ISO-00 SS-15 NSC-05 L-03 H-01 ERDA-05
AID-05 CEA-01 CIAE-00 COME-00 DODE-00 EB-08
FEAE-00 FPC-01 INR-07 INT-05 NSAE-00 OMB-01 PM-05
USIA-06 OES-07 SP-02 STR-04 TRSE-00 ACDA-07 PA-01
PRS-01 /101 W

-----053656 161534Z /53

R 161420Z AUG 77

FM AMEMBASSY LUSAKA

TO SECSTATE WASHDC 6353

CONFIDENTIAL LUSAKA 2824

E.O. 11652: GDS

TAGS: ETRD RH ZA PFDR

SUBJ: STATUS OF GRZ SUIT AGAINST OIL COMPANIES

REF: LUSAKA 1945

1. EMBOFF HAD EXTENSIVE CONVERSATION WITH GHANAIAI JUSTICE HAYFRON-BENJAMIN ON AUGUST 14 REGARDING STATUS OF ZAMBIAN SUIT AGAINST OIL COMPANIES VIOLATING RHODESIAN OIL SANCTIONS (SEE REFTEL).

2. HAYFRON-BENJAMIN SAID HE IS IN CHARGE OF THE SUIT AND IS DISTURBED WITH THE LACK OF SUPPORT PROVIDED BY THE ZAMBIAN GOVERNMENT TO DATE. THE ZAMBIAN MINISTRY OF LEGAL AFFAIRS, HE SAID, HAS BEEN UNHELPFUL IN THAT ZAMBIANS HAVE PROVIDED HIM WITH NEITHER OFFICE NOR STAFF. CONSEQUENTLY, HE IS WORKING OUT OF THE UN COMMISSIONER FOR NAMIBIA'S OFFICE AND IS PAYING AN ASSISTANT OUT OF HIS OWN POCKET. HAYFRON-BENJAMIN BLAMES THE ZAMBIAN FAILURE TO PROCEED WITH THE SUIT ON A COMBINATION OF INCOMPETENCE AND "LACK OF NERVE." HE IS THINKING ABOUT REFUSING TO PROCEED IN COURT UNLESS HE RECEIVES SUBSTANTIAL ADDITIONAL SUPPORT FROM ZAMBIA AND OTHER INTERESTED PARTIES.

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3. HAYFRON-BENJAMIN SAID HE HAD STUDIED A SUIT INITIATED BY CONGRESS MAN DIGGS AGAINST MOBIL FOR OIL SANCTIONS VIOLATIONS AND AGREED WITH THE U.S. COURT THAT FOUND DIGGS DID NOT HAVE PROPER STANDING TO INSTITUTE IT. ZAMBIA, ON THE OTHER HAND, UNLIKE A PRIVATE AMCIT, HAS SUFFERED FROM SANCTION VIOLATIONS AND IS IN AN EXCELLENT POSITION TO CLAIM AT LEAST \$ U.S. 3-5 BILLION DOLLARS IN DAMAGES.

THE PRIMARY EVIDENCE HAYFRON-BENJAMIN HAS CONSISTS OF INTRA AND INTER OIL COMPANY MEMORANDA EXPLAINING THE MEANS BY WHICH THEY COULD SUPPLY RHODESIA WITH OIL. HE SAID THE DOCUMENTS WERE TAKEN FROM OIL COMPANY OFFICES IN MOZAMBIQUE FOLLOWING THE COLLAPSE OF THE PORTUGUESE REGIME. HAYFRON-BENJAMIN IS CONVINCED THAT THE OIL COMPANIES ARE WORRIED ABOUT THESE DOCUMENTS AND CITED NUMEROUS CALLS HE HAS RECEIVED ABOUT THEM FROM MOBIL'S LEGAL DIVISION IN NEW YORK AS PROOF OF THIS CONCERN.

4. HAYFRON-BENJAMIN SAID THAT IF HE CONTINUES WITH THE SUIT HE EXPECTS THE OIL COMPANIES TO CLAIM THEY CANNOT GET A FAIR TRIAL IN ZAMBIA AND REQUEST THAT THE SUITS BE INSTITUTED IN COURTS OF THEIR OWN COUNTRIES. HE WOULD WELCOME SUCH A MOVE AND WANTS TO HAVE AN INTERNATIONAL STAFF OF BLACK AND WHITE LAWYERS READY TO PROCEED IN THE VARIOUS COUNTRIES.
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Message Attributes

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